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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,034	03/11/2004	Takashi Tadaki	8008-1051	4656

466 7590 05/02/2007  
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ARLINGTON, VA 22202

EXAMINER
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NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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05/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/797,034

Applicant(s)

TADAKI, TAKASHI

Examiner

LUONG T. NGUYEN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 03/11/04, 08/24/04, 09/19/05, 05/08/06 have been considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Since claim 4 is an improper hybrid claim calling both an apparatus and the method steps using the apparatus, claim 4 is indefinite under 35 U.S.C. 112, second paragraph. See MPEP 2173.05(p). As both an apparatus and method are claimed in the same claim, it is vague and confusing as to what the metes and bounds of the claim set forth.

Claims 5-6 are rejected as being dependent on claim 4.

Since claim 7 is an improper hybrid claim calling both an apparatus and the method steps using the apparatus, claim 7 is indefinite under 35 U.S.C. 112, second paragraph. See MPEP 2173.05(p). As both an apparatus and method are claimed in the same claim, it is vague and confusing as to what the metes and bounds of the claim set forth.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 4-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to neither a “process” nor a “machine,” but rather embraces or overlaps two different statutory classes of invention. See MPEP 2173.05(p).

7. Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to neither a “process” nor a “machine,” but rather embraces or overlaps two different statutory classes of invention. See MPEP 2173.05(p).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emme (US 2003/0122957) in view of Okumura et al. (US 6,327,434).

Regarding claim 1, Emme discloses a portable terminal device comprising:

a camera module (Emme discloses a cellular mobile phone provided with a camera, figures 1-2, page 2, paragraphs [0033], [0036]);

a light module as an illumination function in shooting an image by the camera module (LED emits a beam of infrared light through cover 60, figure 2, page 2, paragraph [0035]; page 3, paragraph [0041]).

Emme fails to specifically disclose an image control processing section for sending zoom control information of the camera module and carrying out image processing; an illuminance variable section for varying illuminance of the light module in accordance with a distance from the camera module to an object. However, Okumura et al. discloses a camera which comprises an imaging unit 13; photographing lens 5; an electronic flash emitting unit 11 capable of changing its irradiation; a CPU 1 for controlling the focusing operation of the lens on the basis of the distance from the lens to the object, obtaining the irradiation angle corresponding to the focus focalized and sending a command to an irradiation angle changing mechanism 10 which adjusts the irradiation angle of the electronic flash emitting unit 11 according to command from CPU 1 (figures 3A-3B, 4; column 6, line 48 – column 8, line 38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Emme by the teaching of Okumura et al. in order to provide a camera which can appropriate control the electronic flash irradiation area when the electronic flash device capable of setting its radiation angle in a plurality of ways, thus

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improving the use efficiency of the electronic flash device and reducing wasteful energy consumption (column 10, lines 40-47).

Regarding claim 2, Emme discloses wherein the illuminance variable section varies the illuminance for photography of the light module in accordance with a zoom ratio of the camera module (Emme discloses the CPU 1 sends a command to the irradiation angle changing mechanism 10 so as to adjust the irradiation angle of the emission unit properly on the basis of the focus focalized, (figures 3A-3B, 4; column 6, line 48 – column 8, line 38).

Regarding claim 3, Emme discloses wherein the illuminance variable section varies the illuminance for photography of the light module in accordance with information on the image processing (Emme discloses the CPU 1 controls the electronic flash emitting unit 11 to emit light or not according to the illuminance measurement value (figures 3A-3B, 4; column 6, line 48 – column 8, line 38).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nonaka et al. (US 5,708,860) discloses distance measurement apparatus and optical system using the same.

Kuroda (US 2003/0036365) discloses portable communication terminal with camera capable of taking pictures.

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Komori et al. (US 2005/0253923) discloses mobile telephone device having camera and illumination device for camera.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN  
04/24/07



**LUONG T. NGUYEN  
PATENT EXAMINER**